

בס"ד

Dibo Hafif
57 Gravesend Neck Road, 1st Fl.
Brooklyn, New York 11223
Direct: 917.418.4837 | Email: jeffhafif@yahoo.com

May 1, 2024

כ"ג בניסן תשפ"ד

VIA ECF

Honorable LaShann DeArcy Hall, U.S.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hafif v. Rabbi Eli J. Mansour, et al.,
22-CV-1199 (LDH)(RML)¹

Dear Judge DeArcy Hall:

I am the Plaintiff, appearing *pro se* in the above-referenced action. I respectfully seek the Court's reconsideration pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure of its Order dated March 28, 2024, adopting the Report and Recommendation of Magistrate Judge Levy. (Ct. Doc. 80, Jan. 2, 2024.)

In the Report and Recommendation, Magistrate Judge Levy denied the Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(b) brought by Defendants NYPD Officers Derby St. Fort, Mo Tsang, Samuel Shaya, Andre Ross and Gaspar Sciacca ("NYPD Defendants")² but recommended that the claims against these defendants be dismissed with prejudice if I did not execute and return the release pursuant to NY CPL § 160.50 to the Corporation Counsel's office by January 12, 2024. (Ct. Doc. 80, pp. 10-11.)

On January 4, 2024, via the Court's Pro Se Electronic Document Submission Portal (<https://www.nyed.uscourts.gov/content/pro-se-electronic-document-submission-during-covid-19-pandemic>), I submitted for filing a copy of my notarized NY CPL §160.50 release along with a letter dated January 4, 2024, addressed to the Court and to Luca Difronzo, Attorney for NYPD Defendants (Ct. Doc. 81).³ (Exhibit 1) This letter was not docketed by the Clerk's Office until January 9, 2024. (Ct. Doc. 81.). While Mr. Difronzo received this letter via ECF, as explained below, I also emailed my letter and release to him, in accordance with the Report and Recommendation.

¹ This letter was prepared with help from the City Bar Justice Center's Federal Pro Se Legal Assistance Project.

² NYPD Defendants' July 6, 2023 Letter Motion also requested an extension of time for Defendants to respond to Plaintiff's Complaint *sine die* pending the disposition of their instant Fed. R. Civ. P. 41(b) motion or production of a §160.50 release.

³ I redacted the first five digits of my Social Security in the releases, which are attached as exhibits.

Hon. LaShann DeArcy Hall
May 1, 2024
Page 2 of 3

On March 28, 2024, the Court entered an Order adopting the January 2, 2024, Report and Recommendation and granting NYPD Defendants' motion to dismiss, based on a finding that I did not file an executed NY CPL §160.50 release form. This finding is incorrect.

As soon as I learned about the Court's Order, on March 28, 2024, I submitted a letter via the Court's Pro Se Electronic Document Submission Portal, referencing my prior submission of the NY CPL §160.50 release on January 4, 2024 (Ct. Doc. 85) (Exhibit 2). I also asked the Court to reconsider the March 28, 2024, Order of Dismissal. Id. at p. 2.

Additionally, exhibits were appended to the letter, including another copy of my NY CPL §160.50 release and the email I sent to Mr. Difronzo and John Schemitsch (Id. at p. 8). I received an auto-reply email from Mr. Difronzo indicating he was out of the office until January 8, 2024 (Id. at p. 9). On January 9, 2024, Mr. Difronzo responded to my email confirming his receipt of my correspondence and acknowledging that he saw my earlier filing with the Court of my release (Id. at p. 10).

On March 28, 2024, I also re-filed my January 4, 2024, submission to the Court (this time, with the cover letter to Mr. Difronzo in front, and my release on the last page) (Ct. Doc. 86) (Exhibit 3).

Rule 60(b)(1) of the Federal Rules of Procedure states: "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect []" Fed. R. Civ. P. 60(b)(1).

My submission of the NY CPL §160.50 release immediately following the issuance of the Report and Recommendation, as well as my additional submissions following the Court's Order adopting the Report and Recommendation support my compliance. Accordingly, I respectfully request that the Court reconsider its March 28, 2024, Order and deny the NYPD Defendants' Motion to Dismiss as moot.

Thank you for your consideration.

Respectfully submitted,

/s/ *Jeff Hafif*

Pro Se Plaintiff
57 Gravesend Neck Road
Brooklyn, NY 11223
(914) 418-4837
jeffhafif@yahoo.com

Attachments

cc: Luca DiFronzo, Esq.
ldifronzo@law.nyc.gov

EXHIBIT 1

**DESIGNATION OF AGENT FOR ACCESS TO SEALED
RECORDS PURSUANT TO NYCPL 160.50 AND 160.55**

I, Dibo Hafif, Date of Birth ~~XXXXXXXXXX~~ SS# ~~XXXXXXXXXX~~ pursuant to CPL §§ 160.50 and 160.55, hereby designate HON. SYLVIA O. HINDS-RADIX, Corporation Counsel of the City of New York, or her authorized representative, as my agent to whom records of the criminal action terminated in my favor entitled People of the State of New York v. Dibo Hafif, Docket No. or Indictment No. 2022-052703, in _____ Court, County of KING'S, State of New York, relating to my arrest on or about March 11, 2021, may be made available.

I understand that until now the aforesaid records have been sealed pursuant to CPL §§ 160.50 and 160.55, which permits those records to be made available only (1) to persons designated by me, or (2) to certain other parties specifically designated in that statute.

I further understand that the person designated by me above as a person to whom the records may be made available is not bound by the statutory sealing requirements of CPL §§ 160.50 and 160.55.

The records to be made available to the person designated above comprise all records and papers relating to my arrest and prosecution in the criminal action identified herein on file with any court, police agency, prosecutor's office or state or local agency that were ordered to be sealed under the provisions of CPL §§ 160.50 and 160.55.


Dibo Hafif

STATE OF NEW YORK)
 : SS.:
COUNTY OF Kings)

On this 18th day of May, 2023, before me personally came Dibo Hafif, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.


NOTARY PUBLIC

IRINA ORLOVETSKAYA
Notary Public - State of New York
NO. 01OR6359228
Qualified in Kings County
My Commission Expires May 22, 2025

בס"ד

Dibo Hafif
57 Gravesend Neck Road, 1st Fl.
Brooklyn, New York 11223
Direct: 917.418.4837 | Email: jeffhafif@yahoo.com

January 04, 2024

כ"ג בטבת תשפ"ד

VIA ECF

Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hafif v. Rabbi Eli J. Mansour, et al.,
22-CV-1199 (LDH)(RML)

NYC Law Department
100 Church Street
New York, New York 10007
(212) 356-1000

SUBJECT: ACCESS TO SALED RECORDS PURSUANT TO NYCPL 160.50 AND 160.55

Dear Mr. Difronzo,

I trust this letter finds you in good health and high spirits. In accordance with the order dated January 2, 2024, please find attached my notarized signature for Access to Sealed Records Pursuant to NYCPL 160.50 And 160.55.

Despite my belief that my constitutional rights are being violated due to the New York Police Department (NYPD) insisting on compelling me to sign certain documents before the commencement of the discovery process, I am complying with the court order under the threat of dismissing my case.

Being coerced into signing documents before the discovery process has even begun deprives me of the opportunity to fully understand the scope and implications of the NYPD's request. This premature action puts me at a significant disadvantage and hampers my ability to adequately prepare for my defense. I firmly believe that such actions undermine the principles of justice and fairness upon which our legal system is built.

I would like to take this opportunity to formally request a Discovery Demand from the NY Police Department to produce all records pertaining to my case between March 9, 2021, and March 11, 2021. Additionally, I request all evidence related to the interaction between my wife, the Police, and the Shomrim organization Members.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Dibo Hafif

cc: Via ECF
Counsel of Record

By U.S. Mail & Email

NYC Law Department
100 Church Street
New York, New York 10007

Luca Difronzo
ldifronz@law.nyc.gov
John Edmund Schemitsch
jschemit@law.nyc.gov

EXHIBIT 2

בס"ד

Dibo Hafif
57 Gravesend Neck Road, 1st Fl.
Brooklyn, New York 11223
Direct: 917.418.4837 | Email: jeffhafif@yahoo.com

March 28, 2024

י"ח באדר ב' תשפ"ד

VIA ECF

Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hafif v. Rabbi Eli J. Mansour, et al.,
22-CV-1199 (LDH)(RML)

FILED
Mar 28, 2024, 1:30 PM
in the Clerk's Office
U.S. District Court,
EDNY, Brooklyn
Pro Se Office via
Box.com

Dear Judge Hall,

I am writing to express my deep concern regarding the recent order issued by the court, particularly in reference to Document #81 and the letter submitted to the defendant attorney and the court on 01.04.2024. It is truly beyond comprehension and quite shocking that these materials were not reviewed prior to the court's decision.

Throughout the history of this case, I have diligently complied with the court's orders and provided timely responses to all directives. It is essential that this context is considered when evaluating my actions in relation to the recent order.

I sincerely hope that the court has thoroughly examined the docket before proceeding with any further actions, especially considering the imminent dismissal of the case. Failure to do so may result in significant embarrassment upon appeal, as it would become evident that crucial documents were disregarded prior to issuing an order claiming non-compliance on my part.

This latest order from Judge Hall serves as yet another piece of evidence indicating a clear bias against me, without due consideration for my timely and compliant responses to her directives. It is imperative that all submitted materials be given fair and impartial review before any conclusions are drawn.

I respectfully urge the court to revisit the aforementioned document and letter, and to reconsider its position in light of the information provided therein. Your careful consideration of these matters is crucial to ensuring a just and equitable resolution.

Thank you for your attention to this matter. I trust that you will give it the thorough consideration it deserves.

Respectfully submitted,

/s/ Dibo Hafif

cc: Via ECF
Counsel of Record

Activity in Case 1:22-cv-01199-LDH-RML Hafif v. Mansour et al Letter

From: ecf_bounces@nyed.uscourts.gov
To: nobody@nyed.uscourts.gov
Date: Tuesday, January 9, 2024 at 12:57 PM EST

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court
Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 01/09/2024 at 12:46:00 PM EST and filed on 01/09/2024

Case Name: Hafif v. Mansour et al
Case Number: [1:22-cv-01199-LDH-RML](#)
Filer:
Document Number: [81](#)

Docket Text:
Letter filed by plttf. Dibo Hafif In Response to the court's [80] R&R, and further requesting a discovery demand from NYPD. (W/Signed Access To Sealed Records Pursuant To NYCPL 160.50 AND 160.55). (Pro Se File Date:1/4/2024, Recv'd. 1/9/2023). (MLR)

1:22-cv-01199-LDH-RML Notice has been electronically mailed to:

Mark Ian Binsky mbinsky@agfjlaw.com
John Edmund Schemitsch jschemit@law.nyc.gov
Luca Difronzo ldifronz@law.nyc.gov
Dibo Hafif jeffhafif@yahoo.com

1:22-cv-01199-LDH-RML Notice will not be electronically mailed to:

Murray Betesh
500 Roseld Avenue
Deal, NJ

The following document(s) are associated with this transaction:

Document description:Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP NYEDStamp_ID=875559751 [Date=1/9/2024] [FileNumber=18562844-0]
[9780541eb552b31fd1ba48932e2392ca93658a5dca069d0c682466a48c3522f36e222
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This is a re-generated NEF. Created on 1/9/2024 at 12:55 PM EST

בס"ד

Dibo Hafif
57 Gravesend Neck Road, 1st Fl.
Brooklyn, New York 11223
Direct: 917.418.4837 | Email: jeffhafif@yahoo.com

January 04, 2024

כ"ג בטבת תשפ"ד

VIA ECF

Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hafif v. Rabbi Eli J. Mansour, et al.,
22-CV-1199 (LDH)(RML)

NYC Law Department
100 Church Street
New York, New York 10007
(212) 356-1000

SUBJECT: ACCESS TO SALED RECORDS PURSUANT TO NYCPL 160.50 AND 160.55

Dear Mr. Davies,

I trust this letter finds you in good health and high spirits. In accordance with the order dated January 2, 2024, please find attached my notarized signature for Access to Sealed Records Pursuant to NYCPL 160.50 And 160.55.

Despite my belief that my constitutional rights are being violated due to the New York Police Department (NYPD) insisting on compelling me to sign certain documents before the commencement of the discovery process, I am complying with the court order under the threat of dismissing my case.

Being coerced into signing documents before the discovery process has even begun deprives me of the opportunity to fully understand the scope and implications of the NYPD's request. This premature action puts me at a significant disadvantage and hampers my ability to adequately prepare for my defense. I firmly believe that such actions undermine the principles of justice and fairness upon which our legal system is built.

I would like to take this opportunity to formally request a Discovery Demand from the NY Police Department to produce all records pertaining to my case between

March 9, 2021, and March 11, 2021. Additionally, I request all evidence related to the interaction between my wife, the Police, and the Shomrim organization Members.

Thank you for your time and consideration.

Respectfully submitted,

/s/ *Dibo Haft*

cc: **Via ECF**
Counsel of Record

By U.S. Mail & Email

NYC Law Department
100 Church Street
New York, New York 10007

Luca Difronzo
ldifronz@law.nyc.gov
John Edmund Schemitsch
jschemit@law.nyc.gov

1272

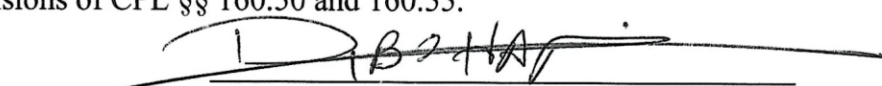
**DESIGNATION OF AGENT FOR ACCESS TO SEALED
RECORDS PURSUANT TO NYCPL 160.50 AND 160.55**

I, Dibo Hafif, Date of Birth ~~XXXXXX~~ SS# ~~XXXXXX~~ pursuant to CPL §§ 160.50 and 160.55, hereby designate HON. SYLVIA O. HINDS-RADIX, Corporation Counsel of the City of New York, or her authorized representative, as my agent to whom records of the criminal action terminated in my favor entitled People of the State of New York v. Dibo Hafif, Docket No. or Indictment No. 2022-052703, in _____ Court, County of KINGS, State of New York, relating to my arrest on or about March 11, 2021, may be made available.

I understand that until now the aforesaid records have been sealed pursuant to CPL §§ 160.50 and 160.55, which permits those records to be made available only (1) to persons designated by me, or (2) to certain other parties specifically designated in that statute.

I further understand that the person designated by me above as a person to whom the records may be made available is not bound by the statutory sealing requirements of CPL §§ 160.50 and 160.55.

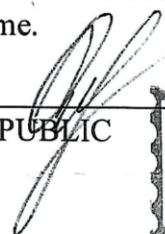
The records to be made available to the person designated above comprise all records and papers relating to my arrest and prosecution in the criminal action identified herein on file with any court, police agency, prosecutor's office or state or local agency that were ordered to be sealed under the provisions of CPL §§ 160.50 and 160.55.


Dibo Hafif

STATE OF NEW YORK)
 : SS.:
COUNTY OF Kings)

On this 18th day of May, 2023, before me personally came Dibo Hafif, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

NOTARY PUBLIC


IRINA ORLOVETSKAYA
Notary Public - State of New York
NO. 01OR6359228
Qualified in Kings County
My Commission Expires May 22, 2025

Case # CV 22-1199


From: Jeff Hafif (jeffhafif@yahoo.com)
To: Idifronz@law.nyc.gov; jschemit@law.nyc.gov
Date: Thursday, January 4, 2024 at 04:17 PM EST


Dar Mr. Difronzo & Mr. Schemitsch

As per court order, please review the attached.

"The quality of a person's life is in direct proportion to their
commitment to excellence, regardless of their chosen field of endeavor."
- Vincent Lombardi

Jeff Dibo Hafif Direct | 917.418.4837

 22- DH_Court_Letter_01.04.2024.pdf
227.7kB

 Access To Sealed Records Pursuant To NYCPL 160.50 & 160.55_05.18.2023.pdf
949kB

Automatic reply: [EXTERNAL] Case # CV 22-1199

From: DiFronzo, Luca (LAW) (ldifronz@law.nyc.gov)
To: jeffhafif@yahoo.com
Date: Thursday, January 4, 2024 at 04:25 PM EST

I am out of the office from December 20, 2023 to January 8, 2024 and will be reviewing emails periodically during this time. In the event of an emergency, please contact ACC Mary Jane Anderson at (212) 356-2415 or maanders@law.nyc.gov.

RE: [EXTERNAL] Case # CV 22-1199

From: DiFronzo, Luca (LAW) (ldifronz@law.nyc.gov)

To: jeffhafif@yahoo.com

Date: Tuesday, January 9, 2024 at 01:56 PM EST

Good Afternoon Mr. Hafif,

I was out of the office until yesterday, however I received your correspondence and saw your recent filing. I will follow up with the City's position after internal discussions.

Thank you,

Luca DiFronzo

Assistant Corporation Counsel

New York City Law Department

Special Federal Litigation Division

100 Church Street, Room 3-139

New York, NY 10007

(212) 356-2354

ldifronz@law.nyc.gov



New York City

Law Department

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From: Jeff Hafif <jeffhafif@yahoo.com>

Sent: Thursday, January 4, 2024 4:57 PM

To: DiFronzo, Luca (LAW) <ldifronz@law.nyc.gov>; Schemitsch, John (Law) <jschemit@law.nyc.gov>

Cc: elliothirschlaw@gmail.com

Subject: [EXTERNAL] Case # CV 22-1199

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Dar Mr. DiFronzo & Mr. Schemitsch

As per court order, please review the attached.

"The quality of a person's life is in direct proportion to their commitment to excellence, regardless of their chosen field of endeavor." - Vincent Lombardi

Jeff Dibo Hafif Direct | 917.418.4837 Fax | 718.880.5422

EXHIBIT 3

בס"ד

Dibo Hafif
57 Gravesend Neck Road, 1st Fl.
Brooklyn, New York 11223
Direct: 917.418.4837 | Email: jeffhafif@yahoo.com

January 04, 2024

כ"ג בטבת תשפ"ד

VIA ECF

Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Hafif v. Rabbi Eli J. Mansour, et al.,
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NYC Law Department
100 Church Street
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SUBJECT: ACCESS TO SALED RECORDS PURSUANT TO NYCPL 160.50 AND 160.55

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Thank you for your time and consideration.

Respectfully submitted,

/s/ *Dibo Hafif*

cc: Via ECF
Counsel of Record

By U.S. Mail & Email

NYC Law Department
100 Church Street
New York, New York 10007

Luca Difronzo
ldifronz@law.nyc.gov
John Edmund Schemitsch
jschemit@law.nyc.gov

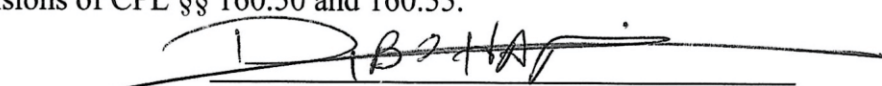
**DESIGNATION OF AGENT FOR ACCESS TO SEALED
RECORDS PURSUANT TO NYCPL 160.50 AND 160.55**

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Dibo Hafif

STATE OF NEW YORK)
 : SS.:
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On this 18th day of May, 2023, before me personally came Dibo Hafif, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.


NOTARY PUBLIC

IRINA ORLOVETSKAYA
Notary Public - State of New York
NO. 01OR6359228
Qualified in Kings County
My Commission Expires May 22, 2025